App. F. IX-4

Previous References

1935.

File No. 46 -

Serial Nos.

Later References

PRESERVED 35

General and Revenue Secretariat.

Manuscript A. Collection

Serial Nos.

Proceedings ~~Part B~~ for July 1935

SUBJECT.

Amendment to the Negotiable Instruments Regn

Notn. No P 324, dt 15-7-35 re Orders re Publication of the Regn & Regulation No IV of 19--

Manaswamy Iyengar
5-9-35.

G. R. S. APP F. III—1] 1935

GENERAL AND REVENUE SECRETARIAT.

(Legis)

NOTES.

File No. 16-35

FILE HEADING.

Amendments to the negotiable Instruments Regn. — Regn. IV of 1935.

FROM

No.	Dated		Received
Diary No.	Enclos.	Spare copies	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

WD 01633—GPB—5,000—3-5-29

Form No 163—5,000

All COMMUNICATIONS TO BE ADDRESSED
TO THE MANAGER

TELEGRAPHIC ADDRESS: "MYSOREBANK"

2008 B 34

THE BANK OF MYSO
P. O. BOX No. 37

Bangalore, 3rd O

B.P. 1651b

le

4107 R

The Law Secretary
to the Government of His Highness the Maharaja
Mysore, Bangalore.

Dear Sir,

We forward herewith a copy of an amendment to the Negotiable Instruments Act 1881, recently passed by the Central Legislature, and which received the assent of the Governor General on the 10th August 1934, and shall be glad to know if any corresponding amendment has been made or is proposed to be made in the Mysore Negotiable Instruments Regulation now in force.

An early reply in the matter is solicited.

Yours faithfully,

Encl: 1

"Act No.XVII of 1934.

An Act further to amend the Negotiable Instruments Act, 1881 for a certain purpose.

Whereas it is expedient further to amend the Negoti Instruments Act, 1881, for the purpose hereinafter appea it is hereby enacted as follows:-

This Act may be called the Negotiable Instruments (Amendment) Act, 1934.

Section 85 of the Negotiable Instruments Act, 1881, shall be renumbered as sub-section (1) of section 85, and to the said section so renumbered the following sub-secti shall be added, namely:-

"Where a cheque is originally expressed to be payable to bearer, the drawee is discharged by payı in due course to the bearer thereof, notwithstandi any endorsement whether in full or in blank appear thereon, and notwithstanding that any such endorsen purports to restrict or exclude further negotiatior

Asking for the conditions on which
a Bank is also [illegible]
Issued [illegible]

No 27.0 M 6.12.34.

The Manager, Myso Bank
States that there is no proposal
under to amend the Negotiable
Act
passed & Bill based as directed

Letter dated 7th Dec. 1934
from the Manager, Bank of Mysore Ltd.
In British India Sec 85 of the
Negotiable Instruments Act has been
amended so as to provide that cheque
originally drawn to bearer shall
not lose their bearer character
notwithstanding any endorsement

The endorsements on the Cross cheque i.e the Bank rule has sanctioned all the endorsements. According to under Sec 50 a bearer cheq be converted to an order cheque by endorsement so that the Bank treat it as an order cheque & pa under Sec 85 to examine the Cons of all the endorsements. This mean the work of the Bank, & there is no either to the Constituent of the Bank via original drawer who has himself it fit to make the cheque payable bearer. The Amending Act in British India has added another subsection to Sec 85 pro that where a cheque originally expressed as payable bearer, the drawer is discharged by payment bearer notwithstanding any endorsemen The Bank is saved the trouble of examining endorsements in such cases.

It seems to be necessary to amend Regulation on the same lines as rule of law in respect of negotiable instrum is desirable. As stated by the Rgnal Bo they receive bearer cheques from British & if they take objection in respect of some endorsements thereon difficult.

NOTE—Contn. Sheet.

WD 01955—GPB—22,500—12-6-34

If approved a draft Bill will be prep
for consideration
(Second Member)

7/4/85

11/1

11/1

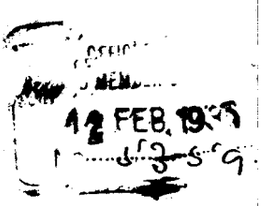
Send with draft Bill a Statement
of Objects and Reasons

Re-typed
6/11/85

11/1/85

Agenda draft Bill with Statement
of Objects and Reasons and
Statement of General Principles
& directive

Serial No.



May be approved
Send number
Diwan.

Com
11.2.35

C
14

Yes
12/2

MS
13-2-35

Com
14.2.35

Yes
14/2

This is a Council matter
Chief Secretary)

C 14/2/35

Submit with a
circulation memo
18/2

RR
19

WD 01955—GPB—22,500—12-6-34

3233 9

For Disposal by Circulation

No. C. 224

of 1934-5

GENERAL AND REVENUE SECRETARIAT

Council Matter

Subject

Bill further to amend Section 85 of the Negotiable Instruments Regulation, 1917.

Circulated to the Members of Council

By Order,

R. Rangelo

18th February 1935.

Chief Secretary to Government.

5945 19/2 First Member of Council 6y 19/2

Second Member of Council (on tour outside the State)

Under Secy. Rvnu.)

RR 20/2/35

D.F.N 6/2/35

Bill to amend the Reg Land Reg

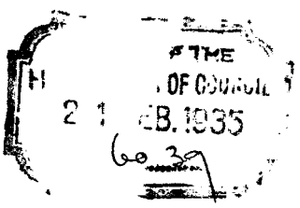
General and Revenue Secretariat

[App. F. III–2

File No. 16 of 193 5

Serial No.

4838



D. P. N. Secd

Dom 20/2 (for Number) 6e 20/2/35

P. N. Signed by Member.

Cdg 22/2 S. N. Secd.

Dewan)

RR 22/2/35

Jm 23-2-35

Note—Contn. Sheet.

Final Note by the First Member of Council.

Subject:—

Bill further to amend the Negotiable Instruments Regu
tion, 1917

The Bank of Mysore have urged the desirability of ame Section 85 of the Negotiable Instruments Regulation on the l of the British Indian Amendment Act XVII of 34 which provid that cheques originally drawn to bearer shall not lose thei "bearer" character, notwithstanding any endorsement thereon whether such endorsement purports to restrict or exclude fu negotiation or not. The amendment removes a doubt that may under Section 50 of the said Regulation and the illustratio thereto. Further, it is desirable that the law in the matt should be uniform with that in British India.

Page 5 of Office Note

The proposal has been agreed to by the Dewan and the Member of Council, and I solicit gracious sanction of His H to place a statement of general principles of the amending before the Representative Assembly and the Bill itself in d course before the Legislative Council.

Bangalore,
22nd February 1935.

MEMBER OF COUNCIL.

Submitted to His Highness.

I submit herewith a Final Note by the First *Member of Council* regarding the Bill further to amend the Negotiable Instruments Regulation, 1917,

for His Highness' gracious approval.

Mirza M. Isa

Dewan.

23-2-35

General and Revenue
Secretariat

224

SUBJECT:- Bill to amend the Negotiable Instrument Regulation, 1917.

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Head-quarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/after issue of orders.* (*Vide Rules* 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

R. Rangachar

Chief Secretary to Government.

Through the Secretary to Government,

.....Department.

6221
27/2

FIRST MEMBER OF COUNCIL. 27/2/3

SECOND MEMBER OF COUNCIL. Seen to

NOTE.—Contn. sheet.

Bill to amend

General and Revenue Secretariat

Key File No.

Serial No.

To the T. Sec for typing 4 copies of the Statement Flagged V

Form 2/3

Ten typed copies of statem are placed in the file. T may be sent to D. A. Offi after circulation.

Form 6/3

Three copies of the Statement of genera principles taken and the file pets to Prot Br. with compts)

7/3/35

The typing Section for favour typing 5 copies of the bill for t Sent to the Publicity Office & ~~printing~~ Press for translation printing

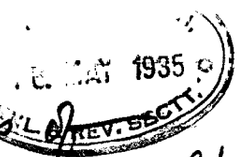
16/5/35

Submitted for orders. Copy of the bill together with copy of the Statement of obje reasons may be sent to Press for publication & to the Translation Section.

17/5/35

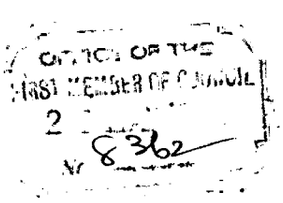
The Bill will be publ under Rule 8 & introduced at the ensuing Session after 2.

D.A. Brs



To print Statement of objects & reasons have to be typed

16/5/35



Note—Contn. Sheet.

16 Bill to amend the Registration Removal Regn

File No. 16 of 1935

General and Revenue Secretariat

2nd Member / Dewan) 6 21/5/35

OFFICE OF THE SECOND MEMBER OF COUNCIL
21 MAY 1935
No. 7319

for
21/5

DEWAN'S OFFICE
21 MAY 1935
No. 6818

M
21-5-35

I/C
225

To the L.C. Office for favour of taking necessary further action which the Bill provides for.

28/5/35

Three copies taken and filed put to Prot. Br. with compts.

28/5/35

OFFICE OF THE SECRETARY
23 MAY 1935
REPRESENTATIVE
LEGISLATIVE COUNCIL
Copies compared.

Secy B
27/5/35

The Bill having been published under Rule 8 of the Rules of Business The following motions are suggested:-

(a) Motion that the Bill be read in Council

(2) Motion that the Rules of Business be suspended & the Bill be taken into consideration at once

Bill to amend the Negotiable

General and Revenue Secretariat. | File No. 16 of 1935 | [App

without reference to a Select Comm
(3) Motion that the Bill be
passed
Mover: The Finance Member
Seconder: The General Secy

6 JUNE
EV...
8 JULY 1935

8840

Form 6/6

Member)
(1st Member) 6/6/35

6/6
7.6

6/6
8/6

To Secy.

6/6
11/6

This was approved by the H.
1st Member) 6/7/35

The Bill was passed by the Ex
Council at the meeting held
on 1.7.1935.
Send with a D.O.N

Form 4/7
1st Member)
7.N. Signed by Member. 6/7/35
S. N. put up. 6/7/35

DEMAN) 8/7

Final Note by the First Member of Council. 16

Subject:—

Bill further to amend the Negotiable Instruments Regulation, 1917.

Gracious approval of His Highness was accorded in Februa 1935 to place before the Representative Assembly a statement of general principles of a bill to amend the Negotiable Instrument Regulation, 1917, on the lines of the British Indian Amendment A XVII of 1934 which provides that cheques originally drawn to bearer shall not loose their 'bearer' character, notwithstanding any endorsement thereon and whether such endorsements purports t restrict or exclude further negotiation or not.

The statement was approved by the Representative Assembly and the bill itself was introduced in the Legislative Council (after previous publication) at the meeting of the Legislative Council held on the 1st July 1935 and at the same sitting it was considered and passed.

I now solicit gracious approval of His Highness to promul gate the said bill as law.

Bangalore,
5th July 1935.

MEMBER OF COUNCIL.

19

Submitted to His Highness.

I submit herewith a Final Note by the First *Member of Council* re: Bill further to amend the Negotiable Instruments Regulation, 1917,

for His Highness' gracious approval.

Mirza M. Ismail
Dewan.
8-7-35.

Submitted & approved by
His Highness.
MI
9-7-35.

C. Secy

KCI
9.7

General and Revenue
Secretariat

SUBJECT:- Re: Bill further to amend the Negotiable Instruments Regula

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(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Head-quarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/after issue of orders. (*Vide Rules* 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

1. Amendment
9/7. *Chief Secretary to Government.*

Through the Secretary to Government,

.....Department.

243
9/7

FIRST MEMBER OF COUNCIL. by 9/7

230
9.7

SECOND MEMBER OF COUNCIL.

1/57
9/7

General Legislative

NOTE.—Contn. sheet.

1/a
9.7

Grm 9.

Regn no IV . 6 1965.

General and Revenue Secretariat. Regts File No. 16 of 193 .5

Submitted with a draft order for publication of the Regn

Sec
11/7

Comptroller's Dept
6/12/7

12 JUL. 1935
GENL & REV. SECTT.

G.O No P324 of 13/15. y. 3
The Compiler,
Orders the publication of the Regn as Regn IV of

Copy of the Regn received
the Press is herewith sent to be
corrected with print order

Dom
18/7

No P464
9/7/35

Printed copies are placed on
the file which be received in

Dom
9/8

A
9.8.35

NOTE—Contn. Sheet.

DRAFT.

A Bill further to amend the Negotia Instruments Regulation, 1917.

Whereas it is expedient further to amend the Negotiable Instruments Regulat 1917; It is hereby enacted as follows:-

Short title.

1. This Regulation may be called th Negotiable Instruments (Amendment) Regul tion, 193

Amendment of Section 85.

2. Section 85 of the Negotiable - Instruments Regulation, 1917, shall be r numbered as sub section (1) of section 8 and to the said section so renumbered th following sub-section shall be added, namely:--

"(2) Where a cheque is originally expressed to be payable to bearer, th drawee is discharged by payment in du course to the bearer thereof, notwith- standing any endorsement whether in f or in blank appearing thereon, and notwithstanding that any such endorsem purports to restrict or exclude furth negotiation."

STATEMENT OF OBJECTS AND REASONS.

The object of the Bill is to amend th Negotiable Instruments Regulation 1917, s as to provide that cheques originally dra to bearer shall not lose their bearer - - character notwithstanding any endorsement thereon whether in full or in blank and whether such endorsement purports to rest or exclude further negotiation or not. Th necessity for the amendment has risen out view taken that under section 50 of the Negotiable Instruments Regulation, 1917, s the ~~explanation~~ illustration thereto, a bearer bill can legally be changed to an order bill by endorsement. This makes it incumbent on banks to examine all endorsements upon bea cheques and thus considerably increases th work and responsibility without any compen- satory advantage to their constituents or the general public.

The law in British India has been simi larly modified by Act XVII of 1954. It is necessary to amend the Mysore Regulation a since it is very desirable that the law in respect of Negotiable Instruments should be uniform in India.

The Bill is intended to secure the abo object.

STATEMENT OF General Principles ~~OBJECTS AND REASONS~~.

The object of the Bill is to amend the Negotiable Instruments Regulation 1917, so as to provide that cheques originally drawn to bearer shall not lose their bearer - - character notwithstanding any endorsement thereon whether in full or in blank and whether such endorsement purports to restr or exclude further negotiation or not. Th necessity for the amendment has risen out view taken that under section 50 of the Negotiable Instruments Regulation, 1917, a the ~~explanation~~ illustration thereto, a bearer bill can legally be changed to an order bill by endorsement. This makes it incumbent on banks to examine all endorsements upon bea cheques and thus considerably increases th work and responsibility without any compen satory advantage to their constituents or the General public.

The law in British India has been sim larly modified by Act XVII of 1934. It is necessary to amend the Mysore Regulation a since it is very desirable that the law in respect of Negotiable Instruments should uniform in India.

The Bill is intended to secure the a object.

THE MYSORE REPRESENTATIVE ASSEMBLY.

BUDGET SESSION—JUNE 1935.

STATEMENT OF GOVERNMENT BUSINESS TO BE PLACED BEFORE THE REPRESENTATIVE ASSEMBLY.

I. Statement of General Principles of the Bill further to amend the Negotiable Instruments Regulation, 1917.

The object of the Bill is to amend the Negotiable Instruments Regulation, 1917, so as to provide that cheques originally drawn to bearer shall not lose their bearer character, notwithstanding any endorsement thereon whether in full or in blank and whether such endorsement purports to restrict or exclude further negotiation or not. The necessity for the amendment has risen out of the view taken that under Section 50 of the Negotiable Instruments Regulation, 1917, and the illustration thereto, a bearer bill can legally be changed to an order bill by endorsement. This makes it incumbent on banks to examine all endorsements upon bearer cheques, and this considerably increases their work and responsibility without any compensatory advantage to their constituents or to the general public.

The law in British India has been similarly modified by Act XVII of 1934. It is necessary to amend the Mysore Regulation also since it is very desirable that the law in respect of Negotiable Instruments should be uniform in India.

The Bill is intended to secure the above object.

II. Statement of General Principles of the Bill further to amend the Mysore Limitation Regulation, 1911.

Under Articles 176 and 177 of the First Schedule to the Mysore Limitation Regulation, the time allowed for bringing on record the legal representative of a deceased party in suits and appeals filed under the Code of Civil Procedure is six months from the date of the death of such party. This provision leads to unnecessary delay in the disposal of civil cases. In British India, the period was reduced to 90 days by Act XXVI of 1920, and there is no reason to think that the reduction in the period of limitation has worked to the detriment of the parties. If a similar amendment is made here, one cause of delay in the disposal of cases will be removed. In exceptional cases, a remedy is provided by Order XXII, Rule 9 of the Civil Procedure Code. The High Court have recommended the reduction of the period to 90 days as proposed.

It is accordingly proposed to amend Articles 176 and 177 of the First Schedule to Mysore Limitation Regulation, 1911.

III. Statement of General Principles of the Bill further to amend the Code of Criminal Procedure, 1904.

Under Section 367 of the Code of Criminal Procedure, every judgment has to be written by the presiding officer of the court.

The High Court have recommended that the Code of Criminal Procedure, be amended so as to allow dictation of judgments by Judges not lower in rank than Assistant Sessions Judges and also by Magistrates specially empowered. This will assist the Judges and Magistrates concerned in their work, and enable them to dispose of cases more promptly.

In British India, Section 367 of the Code of Criminal Procedure, was amended in 1923, giving power to all presiding officers to dictate judgments. Power has been taken under the Mysore Civil Procedure Code to empower the presiding officers of Civil Courts to pronounce judgments by dictation. The system has proved to be a convenient arrangement, and is working satisfactorily.

It is proposed to amend Section 367 of our Code, restricting the power only to officers specially empowered in that behalf.

IV. Statement of General Principles of the Bill to further amend the Mysore Forest Regulation, 1900.

Whereas under Section 75 of the Mysore Forest Regulation the sale or attempt to sell sandalwood is prohibited, no penalty is prescribed for breach of the provisions of this Section. Further the Regulation does not define the scope of the term "sandalwood".

2. Instances have come to the notice of Government in which no action could be taken against private persons possessing sandalwood saw-dust for purposes of sale as no penalty is prescribed under Section 75 of the Regulation and sandalwood "saw-dust" is not included in the term "sandalwood". It is therefore considered expedient to amend the said section by providing a penalty for contravention of the provisions of the said section and define the term sandalwood so as to include roots, billets, pieces, sawn or otherwise, chips and saw-dust (whether containing heartwood or not) of sandalwood, but not sandalwood carved or otherwise manufactured.

The Bill is intended to amend the Regulation accordingly.

V. Statement of General Principles of the Bill to amend the Cinematograph Regulation, 1923.

Under the provisions of the Cinematograph Regulation, 1923, all films intended for public exhibition in Mysore are subject to censorship. The censorship is, however, confined to the film itself and does not extend to the manner of advertising the film which is often more objectionable than the film advertised. This exhibition of indecent or otherwise objectionable film posters in public places has come to the notice of the Government and the desirability of taking action to bring these posters under control has been urged upon the attention of Government by Associations for social welfare and the suggestion has been made that the Regulation should be amended so as to provide for the censorship of all pictorial representations intended for use as advertising matter in connection with cinematograph films. The Bill is intended to provide for such censorship.

VI. Statement of General Principles of the Bill to amend the Mysore Agriculturists' Relief Regulation, 1928.

In September 1934, a Committee was appointed by the Government under the Chairmanship of *Rajasabhabhushana* K. R. Srinivasa Iyengar, M.A., to examine how far the extension of the Mysore Agriculturists' Relief Regulation to the whole State has affected the credit of the agriculturists and to submit a report to Government. The Committee examined the question and submitted to Government in February 1935, an exhaustive report together with the draft of a Bill embodying their recommendations.

Government have approved of the recommendations of the Committee with slight modifications as ordered in Government Order No. P. 6404-16—Legis. 12-34-1, dated 23rd May 1935 and this Bill is intended to secure the amendment of the Regulation on those lines.

The general principles of the proposed amendments to the Bill are as follows:—

Under the Regulation, the court is empowered to grant instalments at the time a mortgage decree is passed or in execution proceedings under such decree and also in execution proceedings under a money decree. There is no specific provision

empowering a court to direct payment by instalments when passing a money decree, though it may be said that it may exercise such power vested in it under the Civil Procedure Code, in case of suits under this Regulation also. It is proposed to amend Section 12 so as to include specifically such a power.

2. The existing discretionary power of courts to order interest or not under Sections 11 and 12 of the Regulation, is proposed to be modified so as to make it obligatory to grant some future interest in all cases, the rate of interest being, however, left to be determined by the courts.

3. The Bill provides for the addition of a new provision laying down that in fixing instalments under Sections 11 and 12 of the Regulation the courts should be required to take into consideration the period that the loan has been outstanding and also the repaying capacity of the judgment-debtor.

4. The courts will be empowered to direct that in the event of failure to pay two consecutive instalments, the whole debt should become due and be recoverable.

5. Exemption from attachment and sale in execution of a money decree under Section 14 is proposed to be limited to the agricultural land only of the debtor, and the other immoveables would not be so exempt. Provision is made to direct attachment and sale of the agricultural land also or declare a charge thereon in cases where payment by instalment is ordered and the debtor is unable to furnish security. The sale in pursuance of an attachment or charge will be ordered only when default is made in the payment of two consecutive instalments.

6. Power will be vested in the Government to exempt particular co-operative societies or classes of co-operative societies at their discretion from the operation of the provisions of the Regulation.

PRIVATE BILL.

General Principles of the Mysore Debtors' Bill.

A man who fails to pay a debt due under a decree is liable to be arrested and cast into prison.

It is increasingly felt to be a barbarity and the belief that it is a successful means of drawing out secreted property and preventing fraud is neither well founded nor morally justifiable. Corporal punishment for civil liability is neither desirable nor necessary in the interests of society.

Formerly, even women were thus liable. A law was passed preventing it, and the same is now embodied in Section 56 of the Civil Procedure Code.

Recently, agriculturists who come within the definition of the term in the Mysore Agriculturists' Relief Regulation have been exempted from the liability.

Arrest and imprisonment for non-payment of debt is thus recognised to be undesirable and opposed to our sence of justice and morality. It is the general feeling in many civilised countries. In England, they passed a law called the Debtors Act which has practically abolished arrest and imprisonment for non-payment of debt.

It is learnt that it has been abolished in France, Germany, Scotland, Turkey, South Africa and in many of the States of the U.S.A.

In agreement with this general feeling, the Bill seeks to abolish arrest and imprisonment in execution of a decree for money.

PRIVATE BILL.

1. The Mysore Debtors' (Regulation) Bill.

Whereas it is expedient to provide that no person shall be arrested or imprisoned in execution of a decree for money, it is hereby enacted as follows:—

1. (i) This Regulation shall be called "The Mysore Debtors' Regulation, 193 ."

(ii) It shall extend throughout the State of Mysore.

(iii) It shall come into force from the 1st day of January 193

2. Notwithstanding anything contained in any law for the time being, no person shall be arrested or imprisoned in execution of a decree for money passed whether before or after this Regulation comes into force.

Statement of Objects and Reasons.

The present law rendering a judgment-debtor liable to be cast into prison a barbarous. In all civilised countries, it has been either totally abolished is negatived by restrictions. In India the movement for its abolition started as for back as 1881. As a first step, the law exempted women from being arrested and imprisoned for a decree debt. Since then the question has been considered now and then with the result that the law has been liberalised and the severity relaxed. Poverty and ill-health can be pleaded against imprisonment. Insolvency protection can be had under certain conditions. Nevertheless, the principle of arresting a man for failure to pay a debt is still recognised by the statute. It is a vicious principle, negation of the dignity of the human body, a denial of the rights of the family and society over the person of the judgment-debtor. The Curgenven Report of 1914 and the Whitley Commission Report of 1931 alike recommended the abolition of imprisonment for debt. In England the Debtors Acts of 1869 and 1878 abolished it except in a few cases which have also become obsolete. It is learnt that imprisonment for debt is abolished in France, Germany, Scotland, many of the States of the U. S. A., Turkey and South Africa. In Mysore, it has been abolished in the case of all women by Section 56 of the Civil Procedure Code and in the case of all such men as are agriculturists, by Section 13 of the Agriculturists' Relief Regulation. It is generally agreed that arrest and imprisonment for debt is undesirable and deserving of abolition. The bill is intended to give effect to it.

BANGALORE,
Dated 1st June 1935.

C. SUBRAHMANYA AIYAR,
Secretary, Representative Assembly.

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *193*

Date of issue 6/12/34

Signed by .....

List of enclosures .....

Copied by .....

Examined by.....

Section

File No.

Serial No.

No. P 2750/

To

The Manager

The Bank of Mysore

Sir,

With reference to your enquiry of 3.10.34 & 30.11. re the amendment of the Mysore Neg Inst Act on the lines of the amendment made in Burma by Act XLII of 19 I am directed to state that there is no proposal to amend the Mysore Act at present.

WD 01956—GPB—22,500—12-6-34

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P 2750

Bangalore, Dated, 5th December 193 4

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Manager
The Bank of Mysore, Ltd.,
Bangalore.

Sir,

With reference to your enquiry dated 3rd October 193 and 30th November 1934 re: the amendment of the Mysore Negotiable Instruments Regulation on the lines of the amendment made in British India by Act XVII of 1934, I am directed to state that there is no proposal at present to amend the Mysore Regulation.

I have the honour to be,
Sir,
Your most obedient servant,

for General Secretary to Government.

Form No. 163—5,000

ALL COMMUNICATIONS TO BE ADDRESSED TO THE MANAGER

TELEGRAPHIC ADDRESS: "MYSOREBANK"

No. 7 W 685

3239 3 323

THE BANK OF MYSORE, L
P. O. BOX No. 37

Bangalore, 7th Decr, 193

The General Secretary to
the Government of His Highness the
Maharaja of Mysore,
BANGALORE.

8 DEC. 1934

Dear Sir,

Negotiable Instruments (Amendment) Act, 1934.

With reference to your letter of the 6th instant, No. P.2750, I beg to point out that hithert any fresh legislation affecting the Law of Banking passed in British India, has been given effect to by the Government of Mysore.

In such an important matter as the Bills of Exchange Act, it is most desirable that the law should be the same all over India. We receive cheques drawn on this Bank from Banks in British India. If bearer cheques are returned owing to some defect in the endorsement, Banks in British India express surprise that the amendment to the Bills of Exchange Act has not been passed in Mysore State.

I give for your information an extract from the October number of the Journal of the Indian

The Secretary to
the Government of His Highness the
Maharaja of Mysore,
BANGA.

Negotiable Instruments (Amendment)
Act, 1934.

With reference to your letter of the 6th
instant, No. P.2750, I beg to point out that neither
any fresh legislation affecting the Law of Banking
passed in British India, has been given effect to by
the Government of Mysore

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some defect in the endorsement Banks in British
India express surprise that the amendment to the
Bills of Exchange Act has not been passed -- Mysore
State

from the October number of the Journal of the Indian

I give for your information at present

Institute of Bankers of which Sir Osborne A. Smith is the President:

Negotiable Instruments (Amendment) Act, 1934.

"It is a matter of general satisfaction that the Bill further to amend the Negotiable Instruments Act, 1881, which has been pending for some time past, has now been passed into law as on 10th Aug. 1934. The Act lays down that a bearer cheque will always remain a bearer cheque, notwithstanding any endorsement appearing thereon. This has cleared the anomalous position with regard to bearer cheques which has hitherto existed in this country and has brought the law in this respect into line with that prevailing in England. Bankers in India will undoubtedly welcome the change, as they will be relieved of the responsibility of examining endorsements on bearer cheques. The text of the Act is given below:-

1. Short title. This Act may be called the Negotiabl Instruments (Amendment) Act,193

2. Amendment of Section 85, Act XXVI of 1881. Section 85 of the Negotiable Instruments Act, 1881, shall be renumbered as sub-section (1) of section 85, and to the said section so renumbered the following sub-section shall be added, namely:-

"(2) Where a cheque is originally expressed to be payable to bearer, the drawee is discharge by payment in due course to the bearer thereof, notwithstanding any endorsement whether in full or blank appearing thereon, and notwithdtanding that any such endorsement purports to restrict or exclude further negotiation."

As you state in your letter under reply that

Institute of Bankers of which Sir Osborne A. Smith

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Amendment of section 85 Act XXVI of 1881

"(2) Where a cheque is originally expressed to be payable to bearer, the drawer is discharged by payment in due course to the bearer thereof, notwithstanding any endorsement, whether in full or blank appearing thereon, and notwithstanding that any such endorsement purports to restrict or exclude further negotiation."

As you state in your letter under reply this

there is no proposal at present to amend the Mysore Regulation, I shall bring up the matter at the next meeting of the Board of Industries & Commerce.

Yours faithfully,

MANAGER.

VJ.

G. R. S. VI.—S-III/14]

DRAFT.

SUBJECT.....

.....

.....

Section. Leg
File No. [illegible] -35
Serial No. 1

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT,

( )

, *the*.....*191*

Date of issue.....15/7/35

Signed by.....

Proceedings of the Government of H. H. the Maharaja of Mysore.

Order No. 5324

Ordered that the accompanying Regulation to amend the Negotiable Instruments Regulation, 1917 which received the assent of His Highness the Maharaja, on the 9th day of July 1935, be published as Regulation No. IV of 1935, in the *Mysore Gazette* for general information.

Secretary to Government.

May this be—

(i) Printed?

(ii) Treated as a standing order?

(iii) Published in the "Gazette" English part?

(iv) Translated?

(v) Placed at the disposal of the Press?

(vi) Published in the "Gazette" Kannada part?

To

The Compiler, *Mysore Gazette*, for publication in Part ~~III~~ IV of the Gazette, in English and Kannada and for supply of .....spare copies in English, and .....~~spare copies~~ copies in Kannada ~~to this office, and~~.....spare copies in English and.....spare copies in Kannada ~~to the Curator, Government Central Book Depot, Bangalore.~~ Proofs should be sent to this office for approval before publication.

Copy to Translator

Routine Notes.

anent record.]

NOTIFICATION.

Order No. P. 324—Legis., dated Bangalore, 13—15th July 1935.

Ordered that the accompanying Regulation further amend the Negotiable Instruments Regulation, 1917, which received the assent of His Highness the Maharaja, on the 9th day of July 1935, be published as Regulation No. IV of 1935, in the *Mysore Gazette* for general information.

By Order,

H. V. RAMASVAMI,
Secretary to Government,
General Department.

REGULATION IV OF 1935.

(Received the assent of His Highness the Maharaja on the 9th day of July 1935.)

A Regulation further to amend the Negotiable Instruments Regulation, 1917.

Whereas it is expedient further to amend the Negotiable Instruments Regulation, 1917; It is hereby enacted as follows:—

Short title.

1. This Regulation may be called the Negotiable Instruments (Amendment) Regulation, 1935.

Amendment of section 85.

2. Section 85 of the Negotiable Instruments Regulation, 1917, shall be renumbered as sub-section (1) of section 85 and to the said section so renumbered, the following sub-section shall be added, namely:—

"(2) Where a cheque is originally expressed to be payable to bearer, the drawee is discharged by payment in due course to the bearer thereof, notwithstanding any endorsement whether in full or in blank appearing thereon, and notwithstanding that any such endorsement purports to restrict or exclude further negotiation."

MIRZA M. ISMAIL,
Dewan.

Printed by the Superintendent at the Government Press, Bangalore.

Price: 0-0-3

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. *dated*

SUBJECT.

(1) May this be placed at the disposal of the Press:—

(2) May this be translated:—

(3) May this be treated as Standing Order:—